

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES W. JAIKINS,

Plaintiff,

Case No. 04-73404

v.

District Judge Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

CATERPILLAR, INC.,
a Delaware Corporation and
FREEDOM YACHT SALES, INC.,
a Michigan Corporation,

Defendants.

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ORDER

On October 21, 2008, the parties appeared for argument on Plaintiff's Motion to Compel and to Address Caterpillars's Failure to Cooperate on the Joint Final Pretrial Order [Docket #249].

For the reasons stated on the record, the Motion to Compel is GRANTED to the extent that Defendant shall produce records of any tests performed on the 134 model 5147 aftercoolers, and shall indicate which of those 134 were relied on by defense expert Rose Ray.

As to the various objections and issues regarding Plaintiff's proposed exhibits and other evidentiary matters, the motion is taken under advisement. Under the terms stated on the record on October 21, 2008, the parties will again meet and confer in a good faith effort to resolve these issues, and the Court expects that counsel will stipulate to the

foundation and admission of most of their exhibits. No later than November 12, 2008, the parties shall file with the Court a joint written report detailing any remaining areas of disagreement. A hard copy of the report, including any exhibits, will be hand-delivered to the chambers of the undersigned Magistrate Judge on the same date.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: October 21, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on October 21, 2008.

S/G. Wilson
Judicial Assistant